

REMARKS

I. 35 U.S.C. § 112, ¶ 2 Rejection

The Examiner has objected to claims 1-7 under 35 U.S.C. §112, second paragraph, asserting that the claim language "inversely proportional" is indefinite. The Applicant respectfully, but strongly, disagrees. Referring to claim 1, there is recited "dynamically assigning a priority to each of a plurality of requested queues associated with respective ones of said request classes, inversely proportional to a moving average resource allocation to each of said respective request classes." It is clear from this recitation that the assigned priority is inversely proportional to a moving average allocation to each of said respective classes. With respect to the terms inversely proportional, these terms are standard terms defining a mathematical relationship. The terms inversely proportional are defined in Webster's Revised Unabridged Dictionary as being the opposite of directly proportional. Directly proportional is defined as increasing or decreasing together, and with a constant ratio. The opposite is thus clearly when one of the terms increases, the other decreases (with a constant ratio).

The Applicant respectfully submits that one of ordinary skill is thus clearly apprised of the scope of claim 1. Accordingly, withdrawal of the 35 U.S.C. § 112, ¶ 2 rejection is requested.

II. 35 U.S.C. § 103(a) Rejection

Claims 1-7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,504,894 to Ferguson in view of U.S. Patent 6,067,457 to Erickson. The Applicant respectfully traverses this rejection on the grounds that Erickson teaches away from claim 1 and on the grounds that Erickson and Ferguson, when combined, do not disclose, teach or suggest all of the claim limitations of claim 1.

Claim 1 recites "dynamically assigning a priority to each of a plurality of request queues associated with respective ones of said request classes, inversely proportional to a moving average resource allocation to each of said respective request classes" (emphasis added). Therefore, with any increase in the average resource allocation, there is a

decrease in the assigned priority of the corresponding request class. As disclosed in the application as originally filed, with sufficient decrease, another request class will obtain higher priorities so that its resource requests may begin to be satisfied until its priority has decreased to below the priority of yet another request class, etc.

As conceded by the Examiner, Ferguson fails to teach "dynamically assigning a priority to each of a plurality of request queues associated with respective ones of said request classes, inversely proportional to a moving average resource allocation to each of said respective request classes." As the Examiner further indicated in the Office Action at item 10, Ferguson does not teach that the priority that is assigned is inversely proportional to the moving average resource allocation to the request class. In fact, there is no inversely proportional relationship taught or suggested in Ferguson.

The Examiner, however, contends that Erickson teaches dynamically adjusting the priority of a call to manage currently allocated resources (see abstract and column 6, lines 40-58). These portions of the Erickson reference, however, are completely devoid of any teaching of dynamic assignment of priority that is inversely proportional to the moving average resource allocation to the request class. In fact, Erickson teaches the opposite and thereby teaches away from the present invention, and thus the rejection over Erickson and Ferguson is improper.

Referring, for example, to column 6, lines 40-58, Erickson teaches that "within a given cell site, after a request has been queued for more than 15 seconds its call class priority could be increased automatically. In another example, the ACG identifying that some "special" user has just registered to the system and is associated with a group that currently has a group call queued, could result in the ACG increasing the user's priority for access to the next available resource. As a third example, the DAP may realize that many requests are pending from different users in the same group in the same cell and the DAP may choose to elevate the priority for this cell. As a final example, the DAP may want to decrease/increase the priority of a call which has been active for longer than 30 seconds and maybe again after a minute-hence the facility for changing the priority of a call in progress."

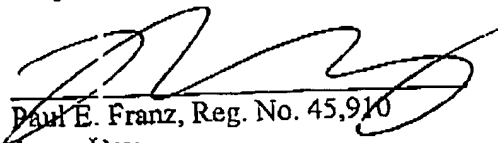
There is absolutely no disclosure about dynamic assignment of priority to each request queue associated with the respective request class being inversely proportional to

the moving average resource allocation to each of the request classes. In fact, Erickson teaches that "As a third example, the DAP may realize that many requests are pending from different users in the same group in the same cell and the DAP may choose to elevate the priority for this cell." Thus, with an increase in requests that are pending, the DAP increases the priority for the cell. In other words, with an increase in resource allocation (within the cell), there is an increase in the assigned priority for this cell. Therefore, the assigned priority is directly proportional to desired resource allocation within the cell. This is contrary to the recitation in claim 1 of "dynamically assigning a priority to each of a plurality of request queues associated with respective ones of said request classes, inversely proportional to a moving average resource allocation to each of said respective request classes." Thus, neither Ferguson nor Erickson, alone or in combination, teach or suggest all of the elements of claim 1. In fact, Erickson clearly teaches away from the present invention as claimed. It is therefore believed that the claims of this application fully distinguish over the cited references and withdrawal of the Examiner's rejection is in order.

III. Conclusion

The Applicant believes that this application is now in condition for allowance. To the extent any issues remain to be resolved, however, the Applicant request that the Examiner contact the undersigned representative to resolve these issues.

Respectfully submitted,


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